

UNITED STATES DISTRICT COURT

***** DISTRICT OF NEVADA

ENRIQUE BANUELOS,

Petitioner,

v.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: **3:11-cv-00896-MMD-VPC**

GREG SMITH, et al.,

Respondent(s).

___ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

___ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

X **Decision by Court.** This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the petition is denied on the basis of procedural default and, in the alternative, on the merits, and that this action is dismissed with prejudice.

IT IS FURTHER ORDERED that a certificate of appealability is granted in part and denied in part. A certificate of appealability is granted as to the portion of Ground 1(A) alleging that petitioner was denied effective assistance of counsel because counsel allowed the sentencing court to operate under the view that the plea negotiations included a recommendation only of a sentence of life with parole eligibility. A certificate of appealability is denied as to all remaining claims as reasonable jurists would not find the district court's decision as to those claims to be debatable or incorrect

July 13, 2017

DEBRA K. KEMPI
Clerk

/s/ K. Rusin
Deputy Clerk